

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

Carroll Superior Court
96 Water Village Rd., Box 3
Ossipee NH 03864

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<http://www.courts.state.nh.us>

**ORDER OF NOTICE ON COMPLAINT
PAD Rule 1***

Case Name: **Lisa Lorrain v John Branscombe**
Case Number: **212-2011-CV-00042**

A lawsuit has been filed against John Branscombe in this Court. A copy of the complaint is attached.

The Court ORDERS that ON OR BEFORE:

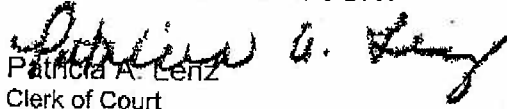
| | |
|-----------------------------------|--|
| April 10, 2011 | Lisa Lorrain shall have this Order of Notice and the attached Complaint served upon John Branscombe by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law. |
| April 17, 2011 | Lisa Lorrain shall file the returns of service with this Court. Failure to do so may result in this action being discontinued without further notice. |
| 30 days after Defendant is served | John Branscombe must file a written appearance form and written answer or other responsive pleading form with this Court. A copy of the answer and/or responsive pleading must be sent to the party listed below and any other party who has filed an appearance in this matter. |

Notice to John Branscombe: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:
Paul Anthony Maggiotto, ESQ

Maggiotto & Belobrow PLLC
58 Pleasant Street
Concord NH 03301-3926

BY ORDER OF THE COURT


Patricia A. Lenz
Clerk of Court

February 24, 2011

(406)

*The PAD rules were adopted by the New Hampshire Supreme Court on a temporary basis by order dated April 6, 2010. The rules are posted on the court's website at <http://www.courts.state.nh.us/supreme/orders/04-06-2010-Order-adopting-PAD-Pilot-Project-Rules.pdf> and are also available for viewing at the Strafford and Carroll County Superior Court Clerks' offices.

STATE OF NEW HAMPSHIRE

COPY

Carroll, ss.

Superior Court

Docket No. 212- 2011-CV- 00042

Lisa Lorrain
34 Broadway Avenue
Naples, Maine 04055

v.

John Branscombe
c/o Colony Used Auto Parts
181-A Milton Road
Rochester, NH 03867

COMPLAINT

Facts Pertinent to All Counts:

1. Lisa Lorrain is an adult female (d/o/b: [REDACTED]) who at all material times hereto was a resident of the Town of Naples, County Cumberland and State of Maine, and resides at 34 Broadway Avenue, Naples, Maine 04055.
2. John Branscombe is an adult male who at all material times hereto was a resident of the Town of Nottingham, County of Rockingham, State of New Hampshire.
3. John Branscombe is, *inter alia*, the owner, shareholder and/or president of a company, Colony Used Auto Parts, which is located at 181-A Milton Road in the City of Rochester, County of Strafford, State of New Hampshire.
4. John Branscombe is also the owner, partner or member of an entity which also owns a residential property adjacent to Colony Used Auto Parts, at 181 Milton Road, in the City of Rochester, County of Strafford, State of New Hampshire.
5. At all material times hereto, John Branscombe, as owner, consented to and/or did lease the residential premises located adjacent to Colony Used Auto Parts to one Geoffrey Branscombe, an adult male, his son.
6. John Branscombe leased it to Geoffrey Branscombe with knowledge that Geoffrey Branscombe owed a dog, to wit, a chocolate-colored Labrador Retriever, named "Brady," and with the knowledge their consent that the dog would also be occupying the residential premises.

7. Geoffrey Branscombe is the son of John Branscombe.

8. Geoffrey Branscombe is employed by Colony used Auto Parts.

9. John Branscombe consented to and permitted Geoffrey Branscombe to bring his dog to work with him during working hours.

10. Nicholas Boles is an adult male who at all material times hereto was the owner and a resident of the property located at 1162 Pine River Pond Road, in the Town of Wakefield, County of Carroll, State of New Hampshire.

11. On June 13th, 2009, Geoffrey Branscombe and his dog Brady visited the residence of Nicholas Boles, 1162 Pine River Pond Road, Wakefield, NH.

12. On June 13th, 2009, Lisa Lorrain was operating her motorcycle, to wit, a 2000 Harley Davidson model "Fatboy," vehicle ID No. 1HD1BMY14YY050057, in the easterly direction along Pine River Pond Road, in Wakefield, New Hampshire.

13. At all material times hereto, Lisa Lorrain was operating her motorcycle in a lawful and prudent manner, and within the posted speed limit.

14. At approximately 10:00 PM on June 13th, 2009, Lisa Lorrain was passing the residence of Nicholas Boles at 1162 Pine River Pond Road in Wakefield, New Hampshire, when the dog "Brady" suddenly darted into the path of her motorcycle.

15. Lisa Lorrain attempted to avoid the dog Brady by swerving her motorcycle to the right. In so doing, she clipped the hind quarters of the dog and continued off the roadway where she forcefully collided head-first with a telephone pole.

16. As a result of the collision, Lisa Lorrain suffered multiple and severe physical injuries, including but not limited to, bilateral distal humeral fractures, open pubic symphysis diastasis, and global left knee dislocation.

17. Lisa Lorrain was transported via Life Flight to Central Main Medical Center for

emergency medical treatment, and she remained hospitalized at Central Maine Medical Center for twenty-one (21) days, and following which she was transferred to acute-rehabilitative care.

18. Lisa Lorrain also suffered injury to her urethra, which required further medical treatment at the Lahey Clinic in Burlington, Massachusetts.

19. As a result of her injuries Lisa Lorrain has endured multiple surgeries under general anesthesia and multiple blood transfusions.

20. As a result of her injuries, Lisa Lorrain has suffered permanent impairment, including, but not limited to the likely loss of the ability to bear children.

21. As a result of her injuries, Lisa Lorrain has been and is unable to work, and as a result has lost her employment.

22. As a result of her injuries, Lisa Lorrain has lost significant income, has lost future earning capacity, and has lost her employment benefits, including medical and health insurance benefits.

23. Lisa Lorrain is expected to require ongoing and future medical treatment for her injuries sustained in this collision.

24. As a result of the loss of income and the ability to earn income, Lisa Lorrain has had her home foreclosed upon and motor vehicles repossessed.

COUNT I: Strict Liability of Owner or Keeper of a Dog

Title 45 R.S.A. §466:19

25. The Plaintiff reasserts the allegations contained within paragraphs 1 thru 24 as if fully set forth herein.

26. John Branscombe, as owner of the residence located at 181 Milton Road in Rochester, New Hampshire, consented to the presence of the dog Brady on said property.

27. John Branscombe, as owner of the residence located at 181 Milton Road in Rochester,

New Hampshire, leased or rented the residence to Geoffrey Branscombe with full knowledge that the dog Brady would be residing there.

28. John Branscombe, as owner of the residence located at 181 Milton Road in Rochester, New Hampshire, is an owner, keeper or possessor of the dog Brady.


29. As Keeper of the dog Brady, pursuant to RSA 466:19, the Defendant, John Branscombe is strictly liable for acts which directly and proximately caused Lisa Lorrain to swerve off Pine River Pond Road on June 13th, 2009 and to collide with the telephone pole, causing the injuries and damages stated herein.

30. As a direct consequence of the actions of the dog Brady, Lisa Lorrain has suffered physical and emotional injuries, permanent impairment, lost income, lost earning capacity, property damage, foreclosure of personal property, has incurred medical expenses and is likely to incur future medical expenses, as well as loss of enjoyment of life, all within the jurisdictional limits of this Court.

31. Grant such other relief which is proper and just.

Respectfully submitted,
Lisa Lorrain
By her Attorney:

February 16, 2011


Paul A. Maggiotto, Esquire #7913
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pmaggiotto@usa.net
Counsel for the Plaintiff